

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES of AMERICA for the use and)
benefit of RELYANT GLOBAL, LLC,)

Plaintiff,)

vs.)

Case No. 3:24-cv-00474-KAC-jem

TRAVELERS CASUALTY AND SURETY)
COMPANY OF AMERICA, THE)
CONTINENTAL INSURANCE COMPANY,)
FEDERAL INSURANCE COMPANY, FIDELITY)
AND DEPOSIT COMPANY OF MARYLAND,)
ZURICH AMERICAN INSURANCE)
COMPANY, and SAFECO INSURANCE)
COMPANY OF AMERICA,)

Defendants.)

**DEFENDANTS’ MOTION TO DISMISS FIRST AMENDED COMPLAINT, OR IN THE
ALTERNATIVE, TO TRANSFER VENUE**

Defendants, Travelers Casualty and Surety Company of America, Continental Insurance Company, Federal Insurance Company, Fidelity and Deposit Company of Maryland, Zurich America Insurance Company, and Safeco Insurance Company of America (collectively, “Defendants”), by and through counsel¹ and pursuant to Federal Rule of Civil Procedure 12(b), respectfully move this Court for an Order dismissing the First Amended Complaint filed by

¹ The undersigned counsel for Granite-Obayashi A Joint Venture, a joint venture partnership among Granite Construction Company Guam, a Guam corporation, and Obayashi Corporation, a Japanese corporation (“GOJV”) is making a limited appearance on behalf of Defendants who tendered their defense to GOJV pursuant to a written agreement. However, nothing in this Motion should be construed as GOJV or its constituent partners waiving any defenses, including the defenses available under Federal Rule of Civil Procedure 12(b), should Plaintiff choose to join GOJV or its constituent partners as parties.

Plaintiff, Relyant Global, LLC. (ECF No. 13.) In the alternative, Defendants request this Court transfer this case to the United States District Court for the District of Guam. This Motion is accompanied by Defendants' contemporaneously filed Memorandum of Law, which is incorporated by reference as if fully restated herein.

Dated: February 10, 2025.

Respectfully submitted,

**BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.**

s/ Jennie Vee Silk

Jennie Vee Silk (#35319)
Kelsey McKinney (#40434)
W. Preston Battle IV (#35044)
165 Madison Avenue, Suite 2000
Memphis, Tennessee 38103
Telephone: (901) 526-2000
jsilk@bakerdonelson.com
kmckinney@bakerdonelson.com
pbattle@bakerdonelson.com

*Counsel for Granite-Obayashi A Joint
Venture*

CERTIFICATE OF CONSULTATION

I, Jennie Silk, hereby certify that, pursuant to the Court's Order Governing Motion to Dismiss (Doc. 3), I attempted to confer with counsel for Plaintiff, James Price and Michael Franz, via email on February 10, 2025, regarding the relief sought in this Motion. As of the time of this filing, Plaintiff's counsel had not responded to the request to confer about the Motion to Dismiss.

s/ Jennie Vee Silk

Jennie Vee Silk

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2025 I caused the foregoing document to be filed and served electronically on all counsel of record via this Court's CM/ECF filing system.

s/ Jennie Vee Silk

Jennie Vee Silk